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Attorneys for Creditor

Performance Contracting, Inc.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)**

In re

PG&E CORPORATION

and

PACIFIC GAS AND ELECTRIC COMPANY,

Debtor,

Case No. 19-30088 DM (Lead Case)

(Jointly Administered with
Case No. 19-30089 DM)

Chapter 11

**NOTICE OF PERFECTION OF
MECHANICS LIEN PURSUANT TO
11 U.S.C. § 546(b)(2)**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

[Solano County, Document
No. 201900017387]

* All papers shall be filed in the Lead Case
No. 19-30088 DM.

Performance Contracting, Inc. ("PCI"), by and through its undersigned counsel,
hereby gives notice of perfection of its mechanics lien under 11 U.S.C. § 546(b)(2), as
follows:

1. PCI is a corporation that has provided and delivered labor, services,
equipment, and materials for the construction and improvement of projects on real property
located in the County of Solano, State of California (the "Property") and owned by PG&E

1 Corporation and/or Pacific Gas and Electric Company (collectively, the "Debtors")

2 2. Through January 29, 2019 (the "Petition Date"), the amount owing to PCI is
3 at least \$52,192.90, exclusive of accruing interest and other charges, with additional
4 amounts owed and accrued after the Petition Date.

5 3. On March 27, 2019, after the Petition Date, PCI properly perfected its
6 mechanics lien under California Civil Code §§ 8400, et seq. by timely recording its
7 Mechanics Lien (Claim of Lien) in the Official Records of Solano County, State of
8 California, as more fully described in its Mechanics Lien, a true copy of which is attached
9 hereto as Exhibit A.

10 4. Pursuant to California Civil Code § 8460, an action to enforce a lien must be
11 commenced within 90 days after recordation of the claim of lien. However, due to the
12 automatic stay set forth in 11 U.S.C. § 362, PCI is precluded from filing a state court action
13 to enforce its mechanics lien. 11 U.S.C. § 546(b)(2) provides that when applicable law
14 requires seizure of property or commencement of an action to perfect, maintain, or
15 continue the perfection of an interest in property, and the property has not been seized or
16 an action has not been commenced before the bankruptcy petition date, then the claimant
17 shall instead give notice within the time fixed by law for seizing the property or
18 commencing an action. (See 11 U.S.C. § 546(b)(2); see also In re Baldwin Builders
19 (Village Nurseries v. Gould), 232 B.R. 406, 410-411 (9th Cir. 1999); Village Nurseries v.
20 Greenbaum, 101 Cal.App 4th 26, 41 (Cal. Ct. App. 2002).)

21 5. Accordingly, PCI hereby provides notice of its rights as a perfected lienholder
22 in the Property pursuant to California's mechanics lien law. PCI is filing and serving this
23 notice to preserve, perfect and maintain the perfection of its lien and its rights in the
24 Property to comply with the requirements of California state law, 11 U.S.C. §§ 362(a),
25 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal
26 equivalent of having recorded a mechanics lien in the recorder's office for the county
27 where the Property is located and then having commenced an action to foreclose the lien
28 in the proper court. By this notice, the Debtors and other parties in interest are estopped

1 from claiming that the lawsuit to enforce PCI's mechanics lien was not timely commenced
2 pursuant to applicable state law. PCI intends to enforce its lien rights to the fullest extent
3 permitted by applicable law. The interests perfected, maintained, or continued by 11
4 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of
5 the Property.

6 6. The filing of this notice shall not be construed as an admission that such filing
7 is required under the Bankruptcy Code, the California mechanics lien law, or any other
8 applicable law. In addition, PCI does not make any admission of fact or law, and PCI
9 asserts that its lien is senior to and effective against entities that may have acquired rights
10 or interests in the Property previously.

11 7. The filing of this notice shall not be deemed to be a waiver of PCI's right to
12 seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any
13 other rights or defenses.

14 8. PCI reserves all rights, including the right to amend or supplement this
15 notice.

16 Dated: April 17, 2019

HEFNER, STARK & MAROIS, LLP

By



Howard S. Nevins, Attorneys for
PERFORMANCE CONTRACTING, INC.,
Creditor

EXHIBIT "A"

RECORDING REQUESTED BY AND RETURN TO:

Performance Contracting, Inc (PCI)
3030 Orange Grove Avenue
North Highlands, CA 95660
Phone: 916-576-3904
Fax: 916-484-0431

Recorded In Official Records of Solano County

Marc C. Tonnesen

Assessor/Recorder

PERFORMANCE CONTRACTING INC

Doc # **201900017387**



3/27/2019
11:34:16 AM
AR21
63

Titles: 1	Pages: 5
Fees	\$51.00
Taxes	\$0.00
SB2 Fee	\$76.00
Other	\$0.00
Paid	\$126.00

MECHANICS LIEN

The undersigned claimant, PERFORMANCE CONTRACTING, INC. ("Claimant"), hereby claims a mechanic's lien upon the following described real property:

4940 Allison Parkway
Vacaville, CA 95688

See Exhibit A which is attached and hereby incorporated for further description of real property.

The Claimant's demand, after deducting all just credits and offsets, is the sum of \$52,192.90.

The name of the Owner or Reputed Owner is: Pacific Gas and Electric Company, A California Corporation, 245 Market Street, N10A, Room 1015, P.O. Box 770000, San Francisco, CA 94177 and Pacific Gas and Electric Company, A California Corporation, 77 Beale Street, 32nd Floor, San Francisco, CA 94105.

The Claimant furnished the following kinds of labor, services, equipment, materials, skills, supplies, appliances, power, and surveying: Drywall, Framing, and gypsum board as outlined in subcontract agreement 4700077750.

The name of the person by whom Claimant was employed or to whom Claimant furnished the work was Turner Construction Company, a New York Corporation, 375 Hudson Street, New York, NY 10014.

The Claimant's address is: Performance Contracting, Inc (PCI), 3030 Orange Grove Avenue North Highlands, CA 95660

PROOF OF SERVICE AFFIDAVIT (Check A or B)

I declare that on March 21, 2019, I served a copy of this Mechanics Lien, and any related documents, from the above address, by registered mail, certified mail, or first class mail, postage prepaid, evidenced by a Certificate of Mailing, A. ☒ addressed to Pacific Gas and Electric Company, A California Corporation, (name and title) the Owner or Reputed Owner, at 245 Market Street, N10A, Room 1015, P.O. Box 770000, San Francisco, CA 94177 and 77 Beale Street, 32nd Floor, San Francisco, CA 94105 (address), which is the Owner's or Reputed Owner's residence or place of business address, or the address shown by the building permit on file with the authority issuing a building permit for this work, or B. ☐ failing service to the Owner or Reputed Owner in the manner described above, addressed alternatively to _____ (name and title) the construction lender or the original contractor, at the following address _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at North Highlands, CA 95660 on March 27, 2019.

Signed by: 
Print Name/Title: Randy Hanks, General Manager

**NOTICE OF MECHANICS LIEN
ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

Dated: March 27 2019.

PERFORMANCE CONTRACTING, INC.

By: 
Print Name: Randy Hanks
Title: General Manager

VERIFICATION

I declare that I am authorized to record this Mechanics Lien on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at North Highlands, CA on March 27, 2019 for PERFORMANCE CONTRACTING, INC.

Signed by: 
Print Name/Title: Randy Hanks/General Manager

Phone: (916) 576-3909 Fax: (916) 484-0431

CERTIFICATE OF MAILING (Check A or B)

I declare that on March 27, 2019, I served a copy of this Mechanics Lien, and any related documents, from the above address, by registered mail, certified mail, or first class mail, postage prepaid, evidenced by a Certificate of Mailing, A. ☒ addressed to Pacific Gas and Electric Company, A California Corporation, (name and title) the Owner or Reputed Owner, at 245 Market Street, N10A, Room 1015, P.O. Box 770000, San Francisco, CA 94177 and 77 Beale Street, 32nd Floor, San Francisco, CA 94105 (address), which is the Owner's or Reputed Owner's residence or place of business address, or the address shown by the building permit on file with the authority issuing a building permit for this work, or B. ☐ failing service to the Owner or Reputed Owner in the manner described above, addressed alternatively to _____ (name and title) the construction lender or the

original contractor, at the following address _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at North Highlands, CA 95660 on March 27, 2019.

Signed by: 
Print Name/Title: Randy Hanks, General Manager

**ATTACH RECEIPTS OF
CERTIFIED OR REGISTERED
MAIL WHEN RETURNED**

EXHIBIT "A"

SITUATED IN THE COUNTY OF SOLANO, IN THE STATE OF CALIFORNIA:

**BEING PARCELS 1, 2, 3 AND 4 AS SHOWN ON THE PARCEL MAP OF GOLDEN HILLS COMMERCE PARK
FILED FOR RECORD ON AUGUST 27, 2007 IN BOOK 48 OF PARCEL MAPS, AT PAGE 75, SOLANO COUNTY
RECORDS.**

TAX ID NO:

BEING THE SAME PROPERTY CONVEYED BY DEED.

GRANTOR: PACIFIC GAS AND ELECTRIC COMPANY

GRANTEE: PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION

DATED: 01/04/2016

RECORDED: 01/07/2016

DOC#/BOOK-PAGE: 201600001224

ADDRESS: 4940 ALLISON PARKWAY, VACAVILLE, CA, 95688

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Sacramento }

On 3-27-2019, before me, LISA HARRIS, Notary Public,
personally appeared RANDY HANKS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE

Lisa Harris

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: MECHANICS LIEN PG&E
VACAVILLE CONTRACT #4700077750

Document Date: 3-27-2019 Number of Pages: 4

Signer(s) Other than Named Above: _____

END OF
DOCUMENT